

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

LEONARDO BROWNING,

Plaintiff,

V.

SOUTHWEST AIRLINES CO.,

Defendant.

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CIVIL ACTION NO. 1:17-cv-556

DEFENDANT SOUTHWEST AIRLINES CO.'S NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant Southwest Airlines Co. files this Notice of Removal of Cause No. D-1-GN-17-002139, pending in the 261st Judicial District Court of Travis County, Texas, on the basis of federal question jurisdiction. Defendant respectfully shows:

PROCEDURAL BACKGROUND AND BASIS FOR REMOVAL

On or about May 16, 2017, Plaintiff filed his Original Petition in the matter styled *Leonardo Browning v. Southwest Airlines Co.*, Cause No. D-1-GN-17-001239, pending in the 261st Judicial District Court of Travis County, Texas (“the Lawsuit”). In the Lawsuit, Plaintiff brings causes of action for alleged violations of the Family & Medical Leave Act, 29 U.S.C. §§ 2612, 2614, & 2615 (“the FMLA”), and for alleged disability discrimination under Chapter 21 of the Texas Labor Code. Plaintiff served Defendant Southwest Airlines Co. with his Original Petition on May 17, 2017. Accordingly, Defendant files this notice of removal within 30 days of receiving Plaintiffs’ initial pleading. *See* 28 U.S.C. § 1446(b).

In Plaintiff's Original Petition, Plaintiff expressly makes claims for relief under federal law by alleging causes of action under the FMLA. *See* Plaintiff's Original Petition, ¶ 5.2. Accordingly, removal is proper based upon federal question jurisdiction. *See* U.S.C. §1331 ("The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States."); 28 U.S.C. §1441(c).

Pursuant to 28 U.S.C. §1446(a), all pleadings, process, orders, and all other filings in the state court action are attached to this Notice as ***Exhibit A***. Pursuant to 28 U.S.C. § 1446(d), promptly after Defendant files this Notice, written notice of the filing will be given to Plaintiff, the adverse party. Pursuant to 28 U.S.C. §1446(d), a true and correct copy of this Notice of Removal will be filed with the Clerk of the Travis County District Court promptly after Defendant files this Notice.

CONCLUSION

Based upon the foregoing, the exhibits submitted in support of this Notice and other documents filed contemporaneously with this Notice and fully incorporated herein by reference, Defendant Southwest Airlines Co. hereby removes this case to this Court for trial and determination.

Respectfully submitted,

THOMPSON, COE, COUSINS & IRONS, L.L.P.

By: /s/ Stephanie S. Rojo
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that on June 9, 2017, a copy of the foregoing document was served to all Counsel of Record via electronic notice and/or certified mail, return receipt requested to:

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